

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

TARENT BRYANT,

Plaintiff,

v.

ALAN CARTER, *et al.*,

Defendants.

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CIVIL ACTION NO. 5:09-CV-281 (MTT)

ORDER

This case is before the Court on the Recommendation to Dismiss (the “Recommendation”) (Doc. 24) of United States Magistrate Judge Claude W. Hicks, Jr. The Magistrate Judge, having reviewed the Defendants’ Motion to Dismiss (the “Motion”) (Doc. 11), pursuant to the Prisoner Litigation Reform Act, 42 U.S.C. § 1997e(a), recommends granting the Motion because the Plaintiff failed to exhaust his administrative remedies by not following the procedure for submitting a grievance under the section of the Georgia Department of Corrections Standard Operating Procedures governing mail handling. The Magistrate Judge agreed with the Defendants that the retaliation claim only involved officials at Autry State Prison. The Magistrate Judge did not find a First Amendment mail censorship violation because the search was (1) conducted in furtherance of a legitimate security interest (2) in the presence of the Plaintiff (3) and without any prejudice to him. Plaintiff has filed objections to the Recommendation (Docs. 25 & 26). Pursuant to 28 U.S.C. § 636(b)(1), the Court has thoroughly considered Plaintiff’s Objections and has made a de novo determination of the portions of the Recommendation to which Plaintiff objects.

The Court accepts and adopts the findings, conclusions and recommendations of the Magistrate Judge. The Motion is **GRANTED**.

SO ORDERED, this the 20th day of September, 2010.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT